



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for August 12, 2004

Members in Attendance:

Vandana Rao	Designee, EOE
Marilyn Contreas	Designee, DHCD
Cynthia Giles	Designee, DEP
Gerard Kennedy	Designee, DAR
Mark Tisa	Designee, DFG
Joe McGinn	Designee, DCR
Joe Pelczarski	Designee, CZM
Matthew Rhodes	Public Member
David Rich	Public Member

Others in Attendance:

Vicki Gartland	DCR
Michele Drury	DCR
Ron Sharpin	DCR
Steve Garabedian	USGS
Margaret Kearns	Riverways
Karen Pighetti	Tata & Howard
Paul Howard	Tata & Howard
Bob Tozezki	Shrewsbury Water Department

Agenda Item #1: Executive Director's Report

Marler provided an update on the hydrologic conditions:

- July had normal precipitation, with the exception of Cape Cod, which only received about 74% of normal. August is below normal so far, but this is expected to be rectified in the next week, because there are two tropical storms heading this way.
- Ground water levels in July were normal in most of the state. There was a small area in the northeastern part of the state where levels were above normal, and there was an area around the Buzzards Bay/Cape Cod area that had below normal ground water levels.
- Streamflow was normal all over the state, with the exception of a small area in central Massachusetts, where streamflow was below normal.
- Reservoir levels are declining, as expected with increased water use, but they are still within the normal range for this time of year.
- Fire danger levels have generally been low because of the high humidity however; there is a concern about areas on Cape Cod and the Islands, where there has been less than normal rainfall for the past 2-3 months. It is hoped that this weekend's rain will alleviate this.

- Massachusetts does not show up on any drought maps.
- Long-term forecasts are for below normal to normal temperatures through the end of the month and normal precipitation for August.
- The Tropical Prediction Center is tracking one tropical storm, Bonnie, and one hurricane, Charley. Both are expected to head north and bring Massachusetts a large amount of rain. There is a possibility of flooding, depending on the amount of rain and timing of when both storms hit.

McGinn gave the Executive Director's Report for Honkonen:

- The water policy task force's draft report is online at www.mass.gov/envir/wptf. Rao added that the public comment period had been extended another week. August 16th is the last day to provide comments. To date there have been a good number of comments received.
- Gartland said that every year, there are problems with obtaining the funding necessary to maintain stream gages. Between DEP, DCR and USGS, the funds to maintain all the gages in the state have been scraped together. A meeting of the agencies will be convened to find a better way to address this on-going problem. A few steps have been identified, including moving the money which funds the gages from the capital budget to the operating budget, with oversight either by the WRC or one agency so that this is not something that needs to be reauthorized every five years. USGS is setting up a small working group to determine who uses the gages, what the original use was, what the required use is and where gages should be added and where they can be removed. USGS is setting up a web-site users survey. EOEA will spearhead the efforts to coordinate the funding for USGS gages. Pelczarski suggested that the National Weather Service be contacted for funding. Gartland responded that this was being considered.
- Reading has requested an extension of the IBT decision until November 4th.

Agenda Item #2: Vote – Minutes of April, May and September 2002:

A motion was made by Giles and seconded by Contreas to approve the minutes of April, May and September 2002. The vote was five in favor with two abstentions.

Agenda Item #3: Presentation – Shrewsbury's Request for a Determination of Applicability under the Interbasin Transfer Act

Drury acknowledged the representatives from the Town of Shrewsbury. Shrewsbury is requesting a Determination of Applicability under the Interbasin Transfer Act for Home Farm Well #2. Home Farm Well #2 was installed in 1990 to provide redundancy for the existing Home Farm Well. At that time, the WRC did not take jurisdiction under the ITA over this project because it was stated that the well would be used redundantly, and exempt use under the ITA regulations. Two years ago, DEP informed WRC Staff that Shrewsbury had "self-reported" that they had been using this well in tandem with Home Farm Well #1, rather than redundantly. New management in Shrewsbury realized that they needed to be in compliance with the water supply regulations and use of this well in tandem with Home Farm Well #1 put the Town in violation of both the Water Management Act and ITA. DEP has issued an ACO with Shrewsbury. WRC Staff and DEP have been working with the Town to bring them into compliance.

Shrewsbury has land area in the Blackstone River basin and the Concord River basin. It has one existing source in the Concord River basin, and seven existing sources in the Blackstone River basin, including Home Farm Wells #1 and #2. The “present rate of Interbasin Transfer in a water supply system” which existed in Shrewsbury at the time of the passage of the ITA was 7.8 million gallons per day (mgd). Shrewsbury discharges its wastewater to the Concord River basin via the Westborough publicly owned treatment works (POTW), therefore any water supply source developed in the Blackstone River basin portion of town is subject to review under the ITA, because water crosses both a municipal boundary and a basin boundary for ultimate discharge.

Shrewsbury has assessed its water supply options. According to the Request for Determination of Applicability filed on April 14, 2004, two of the town’s wells in the Blackstone River basin will be abandoned. The Oak Street Well has not been in use since 1995 due to low yield and water quality issues. The Sewell Well #5 cannot be pumped for more than 24 hours before drawdown levels require shutdown. The combined capacity of these two wells is 775 gallons per minute (gpm) or 1.1 million gallons per day (mgd). The capacity of the Home Farm Well #2 (1,400 gpm or 2.0 mgd) exceeds the combined capacity of these two wells by 0.9 mgd. In order to assure that the overall capacity of the “transfer facilities” (wells) in the Blackstone River basin does not exceed the capacity that existed at the time of the passage of the Act (i.e. the “grandfathered” capacity), the Town is proposing to adjust its existing Supervisory Control and Data Acquisition (SCADA) system at the Home Farm site to shut down the pumps once the maximum daily volume is reached. WRC Staff calculates that to be in compliance with the requirements of the ITA, the volume from the Home Farm Wells #1 and #2 should be restricted to no more than 5.4 mgd: 4.3 mgd (Volume of Home Farm Well #1) + 1.1 mgd (Volume to be abandoned in the Blackstone River basin through the closure of the Oak Street Well and Sewell Well #5) = 5.4 mgd.

Drury said she had received comments from the Riverways program on this. Their point is that this well post-dates the ITA and thus is an increase over the present rate of interbasin transfer; however, Drury pointed out that because the town is abandoning capacity in the Blackstone River basin and physically limiting the capacity of the Home Farm Wells system, the capacity will not exceed the original 1984 capacity (rate of interbasin transfer). There is precedent for this. Holden abandoned Muschopauge Pond and is buying water from Worcester.

Based on the facts of the Shrewsbury project, Staff is recommending that the Act does not apply. Drury reminded the WRC that conditions are not usually imposed on Determinations of Applicability because either the Act is applicable to a proposal, or it is not. However, in this case the Act will not apply if the Oak Street and Sewell wells are abandoned. According to the ACO there is a certain date when the wells will be abandoned, so the Staff recommendations requires that Shrewsbury provide documentation by November 1st that the wells have been abandoned. Staff is also requiring documentation that the SCADA system has been adjusted so that pumping is restricted to no more than 5.4 mgd from the Home Farm wells, and that the annual statistical reports are provided to WRC Staff for the life of the project. If, for any reason other than a DEP Emergency Declaration, Shrewsbury uses the Home Farm Wells at a pumping rate greater than 5.4 mgd, the ITA will apply retroactively and Shrewsbury will be required to file an application for the full amount of increase of interbasin transfer from the Blackstone River basin.

Rich asked if the total demand is affected by this project. Drury, said no, the ITA regulates capacity, not demand. She was not sure of Shrewsbury’s current demand, but said that it was less

than the overall capacity. Kearns said that Riverways' main concern is that this well is near the confluence of Poor Farm Brook and Lake Quinsigamond. Poor Farm Brook is dry near this well. She thinks that this should be evaluated under the ITA because it is in a different location than the wells that were grandfathered. The definition of the "Present Rate of Interbasin Transfer in a Water Supply System" means the hydraulic capacity of an interbasin transfer system which was authorized, constructed and useable for water supply purposes without additional installation of facilities or changes in any authority or operating rule prior to the effective date of the act. The present rate shall also include the capacity of systems which, although not fully constructed and/or useable, have achieved MEPA compliance and final design approval by the Department of Environmental Quality Engineering ..." Kearns said that she interpreted this to mean that any change from the system that wasn't present when the Act was passed should be treated as a new interbasin transfer because it is not the same system that was "authorized, constructed and useable for water supply purposes" when the ITA was passed. There are also cold water fisheries issues and the opportunity to restore the fishery exists.

Drury said that she would agree if the other wells were not being abandoned. Kearns said that this well is different from the system that was authorized and constructed prior to the Act. Drury said that the policy and practices have been to look at the overall capacity of the interbasin transfer system. She agrees with the point that there are cold water fisheries issues. The total amount out of the basin will be limited, but that does not mean there will not be local impacts. The Water Management Act and ACO are the more appropriate places to address these issues. McGinn said that Worcester had wells near Poor Farm Brook. Tozezki said that those wells were a back up supply for an industrial concern supplied by Worcester, but they have not been used for many years.

Drury said that the WRC was required to make a decision on this by September 12th. The next WRC meeting is September 9th, so a vote will be requested then.

Due to heavy traffic, Tisa came in late. He said that he had some concerns with this project. For the record, he stated that the Poor Farm Brook was a valuable cold water resource with a diverse cold water fishery population. It is a fragile environment in the middle of an urban setting, but it is hanging on. DFW has concerns about this proposal. He understands that this addresses a certain amount of transfer allocated within a basin, but the water will all be withdrawn from a single source. This could jeopardize the status of the cold water fishery.

Agenda Item #4: Discussion – WRC Member Retreat – Agenda for an Extended Meeting for WRC Members

Rao stated that the retreat would coincide with the end date for the development of the water policy. A good portion of the retreat will be used to discuss the implementation of the policy. McGinn asked if the agencies within EOEA would be asked to describe how they will implement the recommendations of the task force. Rao answered that the agencies provided good feedback concerning how this fits into their missions and how they could incorporate the recommendations into their work plans. Also the WRC has to play an official role. Many of the recommendations state that the WRC is the appropriate entity to implement many of these items. McGinn asked where the retreat would occur. Rich said that the offer to hold it in Mashpee was still open. Giles said that if it was held in Mashpee, she could not attend.

Kennedy said it would be good to revisit the action items from last year's retreat to see how we've done and how they fit into the new water policy. McGinn said that it would be interesting to find out if the Secretary has had any feedback from OCD in terms of how their priorities fit with the Secretary's priorities and the water policy. The WRC should also consider how to go about participating in any presentations on the water policy. Marler suggested that an update on the streamflow standards should be presented at the retreat. Rich suggested that time be set aside for an open forum discussion. This was done last year and he thought it was very beneficial. He asked if any other agencies or people should be invited to the retreat. It was suggested that once the agenda is set, there will be a better idea of whom else to invite. Tisa asked if the retreat and the regular WRC meeting were one and the same. McGinn said they would be set up on the same day, but the retreat will be in the morning. Kennedy said that a field trip or presentation would be nice. Rich said that if the retreat was held in Mashpee, he could arrange for the MMR to provide an update on the cleanup.

Meeting adjourned

Meeting minutes approved 1/13/05